

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Armstrong

95
Cr. ~~94~~-00021-001

Name of Sentencing Judicial Officer: The Honorable Alfred M. Wolin, U.S. District Court Judge
Case Reassigned to the Honorable Katharine S. Hayden, U.S. District Court Judge

Date of Original Sentence: April 26, 1995

Original Offense: **Bank Robbery - 18 U.S.C. 2113 (a) & 2 (Counts One and Two) - 94-00021-001**

Bank Robbery, Assault with Dangerous Weapon, and Bank Robbery- 18 U.S.C. 2113(a) -
Counts One, Two, and Three - 94-00605-001

Bank Robbery - 18 U.S.C. 2113(a) - Count One- 94-00501-001

Bank Robbery - 18 U.S.C. 2113 (a) - Count One - 94-00607-001

Original Sentence: As to Counts One and Two of Docket Number 94-00021-001, the defendant was committed to the custody of the U.S. Bureau of Prisons for a period of 162 months, on each count, to run concurrently, to be followed by a three year term of supervised release (on each count to run concurrently). Special conditions of the defendant's term of supervised release were as follows: 1) Defendant shall pay a fine in the amount of \$5,000 to run concurrently on each count; 2) Drug Aftercare and Urinalysis; 3) Alcohol Aftercare; and 4) Financial Disclosure. As to Docket Nos 94-00605-001, 94-00501-001 and 94-00607-001, all sentences were the same and to run concurrent to Docket No. 94-00021-001. In addition, the defendant was ordered to pay a special assessment of \$50.00 on each count for a total of \$350.00.

Type of Supervision: Supervised Release

Date Supervision Commenced: July 26, 2006

Assistant U.S. Attorney: Carlos Ortiz

Defense Attorney: James Fine

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On July 22, 2007, the defendant was arrested by the Stratford Police Department and charged with Driving While Intoxicated and Speeding (0432-S-58378) According to police reports, Mr. Armstrong was stopped after traveling 59 miles per hour in a 40 miles per hour zone, and registered .17 BAC on the Breathalyzer.

On September 4, 2007, Mr. Armstrong appeared in Stratford Municipal Court, at which time he pled guilty to Driving While Intoxicated. The defendant was ordered to pay a \$307.00 fine, \$33.00 Court Costs, \$50.00 VCCB., a \$200.00 DWI Surcharge, his driver's license was revoked for 7 months, and was ordered to attend IDRC for 12 hours. This sentence was stayed due to State vs. Chun.

2. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On September 16, 2007, Mr. Armstrong was arrested by Stratford Police Department and charged with Driving While Intoxicated, Refusal to Submit to Breathalyzer, Careless Driving, and Taking a Motor Vehicle without the Owner's Consent.

On September 16, 2007, Somerdale Police Department issued a Violation of a Temporary Restraining Order against Mr. Armstrong as had reportedly taken his girlfriend's car without her permission, and had continuously harassed Denise Gallagher by phone, after being served with a Temporary Restraining Order.

At the time of Mr. Armstrong's arrest by Stratford Police Department, bail was posted by Ms. Jessica Bishop for his pending domestic violence offenses and the defendant was released.

3. The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On September 19, 2007, Mr. Armstrong was arrested by Voorhees Police Department on charges of Criminal Contempt and Stalking for again violating the Restraining Order issued on behalf of Denise Gallagher. Reportedly, Mr. Armstrong drove to Ms. Gallagher's residence and was sitting in the parking lot waiting for her, and had also left several messages on her answering machine, including, "I violated your bullshit restraining order!" This matter is pending a hearing in Camden County Superior Court on September 26, 2007.

4. The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

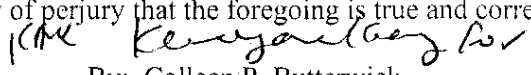
Following Mr. Armstrong's July 22, 2007 arrest for Driving While Intoxicated, he was directed that he must return to outpatient substance abuse treatment at Genesis Counseling. In addition, Mr. Armstrong agreed to attend a supplemental group for men to deal with emotional issues.

In spite of repeated reminders that he was required to attend treatment as directed by our office, Mr. Armstrong failed to attend treatment sessions on: August 27, 2007, August 30, 2007, September 6, 2007, September 10, 2007, and September 17, 2007.

5. The offender has violated the supervision condition which states **'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'**

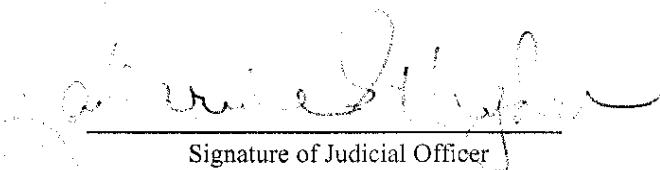
Mr. Armstrong failed to notify this officer within 72 hours of his September 16, 2007 and September 19, 2007 contacts with police, as required.

I declare under penalty of perjury that the foregoing is true and correct.


By: Colleen P. Butterwick
Senior U.S. Probation Officer
Date: September 25, 2007

THE COURT ORDERS:

- ☒ The Issuance of a Warrant to be lodged as a detainer
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other


Signature of Judicial Officer


Date